

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 39**

Introduced By: Schimek, 27; Friend, 10; Mines, 18; Pahls, 31;

Read first time: January 4, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to petition circulators; to amend sections  
2 32-629, 32-630, 32-1303, 32-1404, 49-1455, and 49-1478,  
3 Reissue Revised Statutes of Nebraska; to require circulators  
4 of certain petitions to be electors; to prohibit paying  
5 petition circulators based on the number of signatures  
6 gathered; to change campaign reporting requirements related  
7 to petition circulators; to harmonize provisions; and to  
8 repeal the original sections.

9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 32-629 Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-629. (1) Except as otherwise provided in section  
4 32-1404 for initiative and referendum petitions, only a registered  
5 voter of the State of Nebraska shall qualify as a valid signer of a  
6 petition and may sign petitions under the Election Act.

7           (2) Only an elector of the State of Nebraska shall qualify  
8 as a valid circulator of a petition and may circulate petitions under  
9 the Election Act.

10          Sec. 2. Section 32-630 Reissue Revised Statutes of Nebraska,  
11 is amended to read:

12          32-630. (1) Each person who signs a petition shall, at the  
13 time of and in addition to signing, personally affix the date, print  
14 his or her last name and first name in full, and affix his or her date  
15 of birth and address, including the street and number or a designation  
16 of a rural route or voting precinct and the city or village or a post  
17 office address. A person signing a petition may use his or her  
18 initials in place of his or her first name if such person is  
19 registered to vote under such initials. No signer shall use ditto  
20 marks as a means of personally affixing the date or address to any  
21 petition. A wife shall not use her husband's first name when she signs  
22 a petition but shall personally affix her first name and her last name  
23 by marriage or her surname. Any signature using ditto marks as a means  
24 of personally affixing the date or address of any petition or any  
25 signature using a spouse's first name instead of his or her own shall  
26 be invalid.

27          (2) Each circulator of a petition shall personally witness

1 the signatures on the petition and shall sign the circulator's  
2 affidavit.

3 (3) No person shall:

4 (a) Sign any name other than his or her own to any petition;

5 (b) Knowingly sign his or her name more than once for the  
6 same petition effort or measure;

7 (c) Sign a petition if he or she is not a registered voter  
8 and qualified to sign the same except as provided in section 32-1404;

9 (d) Falsely swear to any signature upon any such petition;

10 (e) Accept money or other thing of value for signing any  
11 petition; ~~or~~

12 (f) Offer money or other thing of value in exchange for a  
13 signature upon any petition; or -

14 (g) Pay a circulator based on the number of signatures  
15 collected.

16 Sec. 3. Section 32-1303 Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 32-1303. (1) A petition demanding that the question of  
19 removing an elected official or member of a governing body listed in  
20 section 32-1302 be submitted to the registered voters shall be signed  
21 by registered voters equal in number to at least thirty-five percent  
22 of the total vote cast for that office in the last general election,  
23 except that (a) for an office for which more than one candidate is  
24 chosen, the petition shall be signed by registered voters equal in  
25 number to at least thirty-five percent of the number of votes cast for  
26 the person receiving the most votes for such office in the last  
27 general election, (b) for a member of a board of a Class I school

1 district, the petition shall be signed by registered voters of the  
2 school district equal in number to at least twenty-five percent of the  
3 total number of registered voters residing in the district on the date  
4 that the recall petitions are first checked out from the filing clerk  
5 by the principal circulator, and (c) for a member of a governing body  
6 of a village, the petition shall be signed by registered voters equal  
7 in number to at least forty-five percent of the total vote cast for  
8 the person receiving the most votes for that office in the last  
9 general election. The signatures shall be affixed to petition papers  
10 and shall be considered part of the petition.

11 (2) Petition circulators shall conform to the requirements  
12 of ~~section~~ sections 32-629 and 32-630.

13 (3) The petition papers shall be procured from the filing  
14 clerk. Prior to the issuance of such petition papers, an affidavit  
15 shall be signed and filed with the filing clerk by at least one  
16 registered voter. Such voter or voters shall be deemed to be the  
17 principal circulator or circulators of the recall petition. The  
18 affidavit shall state the name and office of the official sought to be  
19 removed, shall include in typewritten form in concise language of  
20 sixty words or less the reason or reasons for which recall is sought,  
21 and shall request that the filing clerk issue initial petition papers  
22 to the principal circulator for circulation. The filing clerk shall  
23 notify the official sought to be removed by any method specified in  
24 section 25-505.01 or, if notification cannot be made with reasonable  
25 diligence by any of the methods specified in section 25-505.01, by  
26 leaving a copy of the affidavit at the official's usual place of  
27 residence and mailing a copy by first-class mail to the official's

1 last-known address. If the official chooses, he or she may submit a  
2 defense statement in typewritten form in concise language of sixty  
3 words or less for inclusion on the petition. Any such defense  
4 statement shall be submitted to the filing clerk within twenty days  
5 after the official receives the copy of the affidavit. The filing  
6 clerk shall notify the principal circulator or circulators that the  
7 necessary signatures must be gathered within thirty days from the date  
8 of issuing the petitions.

9 (4) The filing clerk, upon issuing the initial petition  
10 papers or any subsequent petition papers, shall enter in a record, to  
11 be kept in his or her office, the name of the principal circulator or  
12 circulators to whom the papers were issued, the date of issuance, and  
13 the number of papers issued. The filing clerk shall certify on the  
14 papers the name of the principal circulator or circulators to whom the  
15 papers were issued and the date they were issued. No petition paper  
16 shall be accepted as part of the petition unless it bears such  
17 certificate. The principal circulator or circulators who check out  
18 petitions from the filing clerk may distribute such petitions to  
19 persons who may act as circulators of such petitions.

20 (5) Petition signers shall conform to the requirements of  
21 sections 32-629 and 32-630. Each signer of a recall petition shall be  
22 a registered voter and qualified by his or her place of residence to  
23 vote for the office in question.

24 Sec. 4. Section 32-1404 Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 32-1404. A signer of an initiative and referendum petition  
27 shall be a registered voter of the State of Nebraska on or before the

1 date on which the petition is required to be filed with the Secretary  
2 of State and shall meet the requirements of section 32-630. A person  
3 who circulates initiative and referendum petitions ~~need not be a~~  
4 ~~registered voter but~~ shall comply with the requirements of section  
5 32-629 and subsection (2) of section 32-630 and with the  
6 prohibitions contained in subdivisions (3)(a), (d), ~~and~~ (f), and  
7 (g) of section 32-630

8 Sec. 5. Section 49-1455 Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 49-1455. (1) The campaign statement of a committee, other  
11 than a political party committee, shall contain the following  
12 information:

13 (a) The filing committee's name, address, and telephone  
14 number and the full name, residential and business addresses, and  
15 telephone numbers of its committee treasurer;

16 (b) Under the heading RECEIPTS, the total amount of  
17 contributions received during the period covered by the campaign  
18 statement; under the heading EXPENDITURES, the total amount of  
19 expenditures made during the period covered by the campaign statement;  
20 and the cumulative amount of those totals for the election period. If  
21 a loan was repaid during the period covered by the campaign statement,  
22 the amount of the repayment shall be subtracted from the total amount  
23 of contributions received. Forgiveness of a loan shall not be included  
24 in the totals. Payment of a loan by a third party shall be recorded  
25 and reported as a contribution by the third party but shall not be  
26 included in the totals. In-kind contributions or expenditures shall be  
27 listed at fair market value and shall be reported as both

1 contributions and expenditures;

2 (c) The balance of cash and cash equivalents on hand at the  
3 beginning and the end of the period covered by the campaign statement;

4 (d) The full name of each individual from whom contributions  
5 totaling more than two hundred fifty dollars are received during the  
6 period covered by the report, together with the individual's street  
7 address, the amount contributed, the date on which each contribution  
8 was received, and the cumulative amount contributed by that individual  
9 for the election period;

10 (e) The full name of each person, except those individuals  
11 reported under subdivision (1)(d) of this section, which contributed a  
12 total of more than two hundred fifty dollars during the period covered  
13 by the report together with the person's street address, the amount  
14 contributed, the date on which each contribution was received, and the  
15 cumulative amount contributed by the person for the election period;

16 (f) The name of each committee which is listed as a  
17 contributor shall include the full name of the committee's treasurer;

18 (g) Except as otherwise provided in subsection (3) of this  
19 section: The full name and street address of each person to whom  
20 expenditures totaling more than two hundred fifty dollars were made,  
21 together with the date and amount of each separate expenditure to each  
22 such person during the period covered by the campaign statement; the  
23 purpose of the expenditure; and the full name and street address of  
24 the person providing the consideration for which any expenditure was  
25 made if different from the payee;

26 (h) The amount and the date of expenditures for or against a  
27 candidate or ballot question during the period covered by the campaign

1 statement and the cumulative amount of expenditures for or against  
2 that candidate or ballot question for the election period. An  
3 expenditure made in support of more than one candidate or ballot  
4 question, or both, shall be apportioned reasonably among the  
5 candidates or ballot questions, or both; and

6 (i) The total amount of funds disbursed by a separate  
7 segregated political fund, by state, for the purpose of supporting or  
8 opposing candidates and committees in elections in states other than  
9 Nebraska and candidates for federal office, including independent  
10 expenditures made in such elections.

11 (2) For purposes of this section, election period means (a)  
12 the period beginning January 1 of the calendar year prior to the year  
13 of the election in which the candidate is seeking office through the  
14 end of the calendar year of such election for candidate committees of  
15 candidates seeking covered elective offices as defined in subdivision  
16 (1)(a) of section 32-1603, (b) the period beginning July 1 of the  
17 calendar year prior to the year of the election in which the candidate  
18 is seeking office through the end of the calendar year of such  
19 election for candidate committees of candidates seeking covered  
20 elective offices so defined in subdivision (1)(b) of section 32-1603,  
21 and (c) the calendar year of the election for all other committees.

22 (3) A campaign statement shall include the total amount  
23 paid to individual petition circulators during the reporting period,  
24 if any, but shall not include the name, address, or telephone number  
25 of any individual petition circulator if the only payment made to  
26 such individual was for services as a petition circulator.

27 Sec. 6. Section 49-1478 Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 49-1478. (1) An expenditure shall not be made, other than  
3 for overhead or normal operating expenses, by an agent or an  
4 independent contractor, including an advertising agency, on behalf of  
5 or for the benefit of a person unless the expenditure is reported by  
6 the committee as if the expenditure were made directly by the  
7 committee, or unless the agent or independent contractor files an  
8 agent's expenditure report as provided in subsection (3) of this  
9 section. The agent or independent contractor shall make known to the  
10 committee all information required to be reported by the committee.  
11 Any person violating this subsection shall be guilty of a Class III  
12 misdemeanor.

13 (2) An expenditure shall not be made, other than for  
14 overhead or normal operating expenses, by an individual or entity  
15 gathering petition signatures on behalf of or for the benefit of a  
16 person, including a ballot question committee, unless the expenditure  
17 is reported by the ballot question committee as if the expenditure  
18 were made directly by the committee, or unless the ~~person~~  
19 individual or entity gathering petition signatures files an agent's  
20 expenditure report as provided in subsection (3) of this section. The  
21 individual or entity gathering petition signatures shall make known to  
22 the committee all information required to be reported by the  
23 committee. For purposes of this section, petition signature means a  
24 signature affixed to a petition for the purpose of qualifying a ballot  
25 question to appear on a ballot. Any person violating this subsection  
26 shall be guilty of a Class III misdemeanor.

27 (3) An individual or entity gathering petition signatures,

1 an agent, or an independent contractor who is required to file an  
2 agent's report shall file a separate agent's report for each person on  
3 whose behalf an expenditure is made. An agent's report shall be filed  
4 with the commission within ten days after the end of the calendar  
5 month in which the expenditure is made. An agent's report shall  
6 include:

7 (a) The name, permanent address, temporary address,  
8 permanent telephone number, and temporary telephone number of the  
9 individual or entity making expenditures for the purpose of  
10 gathering signatures, the agent, or the independent contractor

11 (b) The name, address, and telephone number of the person on  
12 whose behalf the expenditure is made;

13 (c) The name, permanent address, and temporary address of  
14 the person to whom the expenditure is made, except that if the  
15 expenditure is solely for the services of an individual circulating  
16 petitions, such individual's name and address shall not be included

17 (d) The date and amount of each expenditure; and

18 (e) A description of the goods or services purchased and the  
19 purpose of the goods or services.

20 (4) An individual or entity required to report under  
21 subsection (3) of this section shall include in the report the total  
22 amount paid to individual petition circulators during the reporting  
23 period but shall not include the name, address, or telephone number  
24 of any individual petition circulator if the only payment made to  
25 such individual was for services as a petition circulator.

26 Sec. 7. Original sections 32-629, 32-630, 32-1303, 32-1404,  
27 49-1455, and 49-1478, Reissue Revised Statutes of Nebraska, are

1 repealed.